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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re:

JAMES H. OSBORNE and
SUE OSBORNE,

Debtor.

) Case No.: 09-18846-LT7

) NOTICE OF MOTION AND MOTION TO
)) COMPEL COOPERATION AND
)) TURNOVER OF PROPERTY AND FOR
)) RECOVERY OF ATTORNEY'S FEES

) Date: November 3, 2011
) Time: 10:00 a.m.,
) Dept.: Three (3), Room 129
) Honorable Laura S. Taylor

NOTICE IS HEREBY GIVEN that on November 3, 2011, at 10:00 a.m., in Department Three (3) of the United States Bankruptcy Court, Southern District of California, 325 West "F" Street, San Diego, California, the Honorable Laura S. Taylor, Bankruptcy Judge, presiding, a hearing will be held on the chapter 7 trustee, Leslie T. Gladstone's, (the "**Trustee**") Motion to Compel Cooperation and Turnover of Property and for Recovery of Attorney's Fees.

This bankruptcy case was commenced on December 8, 2009, under Chapter 7 of the United States Bankruptcy Code. The Trustee was appointed as chapter 7 trustee on or about the same date.

The assets in this bankruptcy estate include, without limitation, a condominium (the “**Condo**”) located in Turkey, valued by the Debtors at \$40,000.00 (USD), in which the Debtors claimed no

1 exemption and in which the Trustee had independently valued at between \$110,000.00 and
 2 \$150,000.00 (USD) through a realtor in Turkey.

3 The Debtors have been well aware that the Trustee was investigating the value of the Condo and
 4 attempting to sell the Condo as nonexempt property of the estate. In response to the Trustee's request,
 5 the Debtors failed to turnover keys to the Condo. The Trustee recently learned that, without the
 6 Trustee's knowledge or consent, the Condo was sold. The Trustee has made multiple requests by way
 7 of electronic mail and phone calls to the Debtors' attorney requesting information regarding the sale of
 8 the Condo. The Debtors have failed to respond to the Trustee's requests for information about the sale
 9 of the Condo and turnover of the net proceeds of the sale.

10 The Trustee now requests an order compelling the Debtors to cooperate with the Trustee and
 11 immediately turnover all information pertaining to the sale of the Condo, including an accounting of the
 12 sale and payment of any liens and costs of sale, and turnover of all proceeds from the sale of the Condo.
 13 The Trustee further requests the sum of at least \$2,200.00 for the costs of preparing this Motion and
 14 attending the hearing on this matter.

15 Any opposition to this Motion must be filed with the Bankruptcy Court and served on the
 16 undersigned no later than 14 days from the date this Motion is served (there is an additional three (3)
 17 days allowed for service by mail). Failure to file an opposition will be deemed a consent to the Motion.
 18 This Motion is supported by this Notice of Motion and Motion; the Memorandum of Points and
 19 Authorities in Support; the Declaration of Sandra Young; and the Declaration of Christin A. Batt;
 20 together with all pleadings and Court documents on file in this case. Any party wanting to obtain a
 21 copy of these documents may make a written request of the undersigned and a copy will be provided to
 22 you or you can obtain a copy from the clerk of the Bankruptcy Court, 325 West "F" Street, San Diego,
 23 California during the Court's business hours.

24 FINANCIAL LAW GROUP

25 Dated: September 30, 2011

26 By: /s/ Christin A. Batt

27 Christin A. Batt,
 Attorney for Leslie T. Gladstone, Trustee

PROOF OF SERVICE

I, the undersigned, hereby declare as follows:

I am employed in the City of La Jolla, County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 401 Via Del Norte, La Jolla, California 92037.

On September 30, 2011, I caused to be served:

NOTICE OF MOTION AND MOTION TO COMPEL COOPERATION AND TURNOVER OF PROPERTY AND FOR RECOVER OF ATTORNEY'S FEES

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL
COOPERATION AND TURNOVER OF PROPERTY AND FOR RECOVERY OF ATTORNEY'S FEES**

**DECLARATION OF CHRISTIN A. BATT IN SUPPORT OF MOTION TO COMPEL COOPERATION
AND TURNOVER OF PROPERTY AND FOR RECOVERY OF ATTORNEY'S FEES**

**DECLARATION OF SANDRA YOUNG IN SUPPORT OF MOTION TO COMPEL COOPERATION AND
TURNOVER OF PROPERTY AND FOR RECOVERY OF ATTORNEY'S FEES**

on the parties in this action by placing a true and correct copy thereof in a sealed envelope(s), addressed as follows:

Debtor's Attorney

Maria J. Nunez
Nunez Law Corporation
1350 Columbia Street, Suite 500
San Diego, Ca 92101

Special Notice

Recovery Management Systems Corp.
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

United States Trustee

United States Trustee
Department of Justice
402 West Broadway, Suite 600
San Diego, CA 92101

■ (BY FIRST-CLASS U.S. MAIL) I placed each such sealed, prepaid envelope, for collection and mailing at Financial Law Group, La Jolla, California, following ordinary business practices. I am familiar with the practice of Financial Law Group for collection for U.S. mail, said practice being that in the ordinary course of business, correspondence is picked up at our office the same day as it is placed for collection. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on September 30, 2011, at La Jolla, California.

/s/ Sandra Young
Sandra Young